

DOUGLAS A. DUCEY
- GOVERNOR -



VICTORIA WHITMORE
- EXECUTIVE DIRECTOR -

ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

1740 W. ADAMS STREET, STE. 4600, PHOENIX, ARIZONA 85007
PHONE (602) 364-1-PET (1738) • FAX (602) 364-1039
VETBOARD.AZ.GOV

INVESTIGATIVE COMMITTEE REPORT

TO: Arizona State Veterinary Medical Examining Board

FROM: AM Investigative Committee: Robert Kritsberg, DVM - Chair
Christina Tran, DVM
Carolyn Ratajack
Jarrod Butler, DVM
Steven Seiler

STAFF PRESENT: Tracy A. Riendeau, CVT - Investigations
Marc Harris, Assistant Attorney General

RE: Case: 21-40
Complainant(s): Dana Amsler
Respondent(s): Andrew Tornell, D.V.M. (License: 6633)

SUMMARY:

Complaint Received at Board Office: 10/8/20
Committee Discussion: 4/6/21
Board IIR: 5/19/21

APPLICABLE STATUTES AND RULES:

Laws as Amended August 2018
(Lime Green); Rules as Revised September
2013 (Yellow).

On September 8, 2020, "L [REDACTED]" an 8+ year-old female Pitbull was presented to North Buckeye Animal Hospital & Grooming for mass removal and histopathology. The surgery was performed, the masses were submitted for histopathology, and the dog was discharged.

On September 14, 2020, Respondent called Complainant with the histopathology results and addressed her alleged conduct towards hospital staff, requesting she be respectful.

Complainant was noticed and was not available.

Respondent was noticed and appeared telephonically. Attorney David Stoll appeared.

The Committee reviewed medical records, testimony, and other documentation as described below:

- Complainant(s) narrative: *Dana Amsler*
- Respondent(s) narrative/medical record: *Andrew Tornell, DVM*

PROPOSED 'FINDINGS of FACT':

1. On September 8, 2020, the dog was presented to Respondent's associate, Dr. Silverstein, for a mass removal on the dog's ventral abdomen. While intubating the dog, a small mass was found in the very base of the dog's tongue – Complainant approved removal and biopsy.

2. On September 12, 2020, the histopath results were received by North Buckeye Animal Hospital:

Tongue: Plasma Cell Tumor

Ventral Abdomen: Cutaneous hemangiosarcoma and solar dermatitis.

3. On September 13, 2020, Respondent left a voicemail for Complainant to check on the dog and discuss the biopsy results.

4. On September 14, 2020, at 10:02am, Complainant called to speak with Respondent; Respondent was unavailable.

5. At 12:24pm, Complainant called again to speak with Respondent and asked when she would hear from a doctor. Hospital staff ensured Complainant that a doctor would call her before they left for the day.

6. At 6:45pm, Complainant called again to speak with Respondent. Complainant was advised that Respondent has been seeing appointments all day and has not had an opportunity to call with the biopsy results. A verbal confrontation ensued – Complainant felt reception staff, Ms. Perez, was patronizing her and ended the call shortly thereafter. Audio of the call is available in the case file materials.

7. At 7:10pm, Respondent called Complainant to relay the findings of the histopathology results. Ms. Perez had told Respondent that Complainant was disrespectful during their call therefore at the start of the call Respondent addressed Complainant's conduct. Respondent asked Complainant to exercise respect when speaking with hospital staff – Complainant denied being disrespectful and claimed Ms. Perez was patronizing. Complainant did not appreciate Respondent's allegations and felt Respondent withheld the biopsy results from her until he discussed her alleged conduct. Eventually, Respondent relayed the biopsy results and recommendations; he emailed the results along with oncology referral to Complainant. An audio recording of the call is available in the case file materials.

8. On September 22, 2020, the dog was presented for suture removal. Surgical site looked good and sutures were removed.

9. On October 21, 2020, Complainant was terminated as a client due to the Board complaint. The dog had been evaluated by an oncologist.

COMMITTEE DISCUSSION:

The Committee was commented that they could see how the pet owner would be upset. She did not know if her pet had cancer or not and wanted to get an answer; she called multiple times during the day given her work schedule. She had received a voicemail letting her know the results were in – she called in the morning, during the day, and again when she knew the premises would be closing at the end of the day.

From the medical perspective, the Committee felt it would be appropriate for the pet owner to wait for a veterinarian to give the results of the histopath, as opposed to having the information given to the pet owner by an untrained staff member. The cancer diagnosis would lead to additional questions that should be answered by a veterinarian. However, any veterinarian in the practice could have relayed the results.

The Committee was concerned with Respondent's conduct with respect to admonishing Complainant about her behavior to staff. That type of situation typically does not work out. The pet owner was essentially held hostage – she had to listen to the veterinarian if she wanted her dog's results. The phone conversation was approximately 20 minutes and half of that was spent scolding the pet owner. Clearly the Complainant was upset enough to file a complaint.

The Committee felt the premises could have addressed Complainant's conduct at another time. Everyone involved, staff, pet owner, and veterinarian were/are under stress giving the current environment. Respondent used poor judgment with his timing of addressing the situation; however the Committee did not feel the matter rose to the level of a violation but expressed concerns.

COMMITTEE'S PROPOSED CONCLUSIONS of LAW:

The Committee concluded that no violations of the Veterinary Practice Act occurred.

COMMITTEE'S RECOMMENDED DISPOSITION:

Motion: It was moved and seconded the Board:

Dismiss this issue with no violation.

Vote: The motion was approved with a vote of 5 to 0.

The information contained in this report was obtained from the case file, which includes the complaint, the respondent's response, any consulting veterinarian or witness input, and any other sources used to gather information for the investigation.

TR

Tracy A. Riendeau, CVT
Investigative Division

ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

1740 W. ADAMS ST., SUITE 4600, PHOENIX, ARIZONA 85007

PHONE (602) 364-1PET (1738) FAX (602) 364-1039

VETBOARD.AZ.GOV



COMPLAINT INVESTIGATION FORM

If there is an issue with more than one veterinarian please file a separate Complaint Investigation Form for each veterinarian

PLEASE PRINT OR TYPE

FOR OFFICE USE ONLY

Date Received: Oct. 8, 2020

Case Number: 21-40

A. THIS COMPLAINT IS FILED AGAINST THE FOLLOWING:

Name of Veterinarian/CVT: Dr. Andrew Tornell

Premise Name: North Buckeye Animal Hospital & Grooming

Premise Address: 1480 S. Watson Rd., #102

City: Buckeye State: AZ Zip Code: 85326

Telephone: (623) 691-6305

B. INFORMATION REGARDING THE INDIVIDUAL FILING COMPLAINT*:

Name: Dana Amsler aka Dayna Amsler

Address: [REDACTED]

City: [REDACTED] State: [REDACTED] Zip Code: [REDACTED]

Home Telephone: [REDACTED] Cell Telephone: [REDACTED]

*STATE LAW REQUIRES WE HAVE TO DISCLOSE YOUR NAME UNLESS WE CAN SHOW THAT DISCLOSURE WILL RESULT IN SUBSTANTIAL HARM TO YOU, SOMEONE ELSE OR THE PUBLIC PER A.R.S. § 41-1010. IF YOU HAVE REASON TO BELIEVE THAT SUBSTANTIAL HARM WILL RESULT IN DISCLOSURE OF YOUR NAME PLEASE PROVIDE COPIES OF RESTRAINING ORDERS OR OTHER DOCUMENTATION.

C. PATIENT INFORMATION (1):

Name: L. [REDACTED]
Breed/Species: Pitbull Terrier mix
Age: est. 10 yrs Sex: F Color: White/tan

PATIENT INFORMATION (2):

Name: _____
Breed/Species: _____
Age: _____ Sex: _____ Color: _____

D. VETERINARIANS WHO HAVE PROVIDED CARE TO THIS PET FOR THIS ISSUE:

Please provide the name, address and phone number for each veterinarian.

Dr. Hannah Elliot-North Buckeye Animal Hospital (initial examination)
Dr. Danielle Silverstin (Dr. Dani)-North Buckeye Animal Hospital (surgery)
Dr. Andrew Tornell-North Buckeye Animal Hospital (lab results)

E. WITNESS INFORMATION:

Please provide the name, address and phone number of each witness that has direct knowledge regarding this case.

T. S. [REDACTED] (on the 9/14/20 telephone call with Dr. Tornell)

[REDACTED]
[REDACTED]

[REDACTED]

Attestation of Person Requesting Investigation

By signing this form, I declare that the information contained herein is true and accurate to the best of my knowledge. Further, I authorize the release of any and all medical records or information necessary to complete the investigation of this case.

Signature: [Handwritten Signature]

Date: 10/7/20

F. ALLEGATIONS and/or CONCERNS:

Please provide all information that you feel is relevant to the complaint. This portion must be either typewritten or clearly printed in ink.

A complaint is being submitted against Dr. Andrew Tornell for his negligence, lack of responsiveness, and compassion.

The Amsler/Schnabel/Starr family have been customers with North Buckeye Animal Hospital since March 2008 (12 yrs.) entrusting several cats and dogs under its care, while having no issues with Veterinarians and staff members, therefore, this complaint is not with NBAH.

This incident involves L [REDACTED] a 9-year-old Pitbull mix.

Tuesday, August 25, 2020- L [REDACTED]'s initial consultation with Dr. Elliot. Surgery recommended to remove growth on stomach.

Tuesday, September 8, 2020. L [REDACTED] surgery with Dr. Silverstein. Lab work sent out.

Saturday, September 12, 2020- Lab results received at NBAH.

Sunday, September 13, 2020 at 3:18 p.m.- Voicemail message from Dr. Andrew Tornell stating lab results are in, clinic is now closed, please call back Monday.

Monday, September 14, 2020 at 10:01 a.m.- Return call to NBAH for lab results, spoke to office manager, E [REDACTED], who stated Dr. Tornell is with patients. I advised any doctor may return my call for lab results.

12:21 p.m.- call to NBAH hoping to discuss lab results before a court hearing at 1:30 p.m. Spoke to E [REDACTED] again, she advised that there were no doctors available.

6:42 p.m.- call to NBAH before its 7pm closing. Spoke to a vet tech, S [REDACTED], who advised that Dr. Tornell was in a room with a patient. I asked if there were any other doctors available, there were not. I found her tone on the telephone very patronizing, I advised her so. I informed her that I will call a senior veterinary in the morning.

7:10 p.m.- Received call from Dr. Tornell who immediately began the telephone conversation with, "never disrespect my staff member again".

Dr. Tornell never asked for my side of the story.

My reply to Dr. Tornell was that I disagreed and informed him that I found S [REDACTED] to be patronizing on the phone.

Dr. Tornell continued to state that he has known S [REDACTED] for a long time and that I was disrespectful. I informed him that he was assuming that I was being disrespectful because he was not personally on the telephone call or a witness to the conversation because, per S [REDACTED], he was in another room with a patient.

Inclined to forget the whole situation, I asked Dr. Tornell if we could let the situation go and to please provide L [REDACTED] lab results.

Dr. Tornell ignored my request and started to lecture on, "Continuing a Relationship with the Clinic".

I asked him to please give me L [REDACTED] lab results. Dr. Tornell refused and continue to speak on, "Continuing a Relationship with the Clinic". Again, I asked Dr. Tornell to please give me L [REDACTED] lab results or do I need to come in to pick up a hard copy of the results since he refuses to give to me verbally.

Dr. Tornell replied with an ultimatum that he could easily just email me the lab results or listen to what he had to say. I repeated, please let us just move on with L [REDACTED] ab results, he refused and continued his lecture on, "Continuing a Relationship with the Clinic".

Dr. Tornell held the results of L [REDACTED] lab results over my head to ensure that I listened to his lecture.

Recognizing that I was at a disadvantage due to the inability to interpret lab results, I listened to Dr. Tornell's lecture and advised him that he was on speaker phone along with my husband, T [REDACTED] S [REDACTED].

I glanced at my phone and saw the telephone conversation was counting to 8 minutes. During the entire lecture I asked Dr. Tornell ten (10) times to please give me L [REDACTED] lab results. Dr. Tornell ignored all requests.

After 10 minutes of lecture, Dr. Tornell proceeded to give me the lab results.

L [REDACTED] has stage 2 cancer with a possible live expectancy of three months.

Dr. Tornell asked if there were any questions.

I was mentally distressed that I did not ask questions regarding my pet's lab results. He took that away from me and my L [REDACTED] I informed him so.

Dr. Tornell replied that I cannot keep calling several times during the day, it will not make the call back sooner, NBAH policy is to return calls within 24-48 hours.

That is all he had to say, only another reprimand.

I was astonished that Dr. Tornell put his own needs ahead of L [REDACTED]. The lack of empathy that Dr. Tornell shown to me and my pet is astonishing. Dr. Tornell knew all along the results of the lab work but kept me waiting so that he could lecture me on, "Continuing a Relationship with the Clinic".

The following day, September 15, 2020, office manager, E [REDACTED] had telephone me to apologize for last night's situation with Dr. Tornell.

10/27/20 (R)

October 26th, 2020

To whom it may concern,

21-40 Respondent resp.

I have not examined or personally treated "L [REDACTED] Amsler since 2017 and the complaint from client Dana Amsler is pertaining to a phone call I made regarding labwork/biopsy results; this phone call was for an fellow associate veterinarian at North Buckeye Animal Hospital who had recently examined and performed surgery on "L [REDACTED] Amsler.

09/13/2020 3:19pm – I called and left a voicemail for the client, informing them we had received biopsy results. Due to the concerning nature of the results and limited length of voicemail recording, I did not discuss details or diagnosis on this voicemail; instead asking the owner to call back tomorrow, as our clinic was now closed at this time. **See log in medical record**

09/14/2020 10:02am – Client (Dana) called and spoke with office manager E [REDACTED] (A [REDACTED]), returning lab call. **See log in medical record**

09/14/2020 12:24pm – Client (Dana) called and asked when she would receive a call from a doctor. Office manager E [REDACTED] (A [REDACTED]) informed client she would receive call from doctor before the end of the day. **See log in medical record**

09/14/2020 6:45pm – Client (Dana) called and had discussion with staff member S [REDACTED] on P [REDACTED] **See log in medical record** and included audio file of phone call "Log1-Call Log with S [REDACTED] (Vet Assistant).wav".

09/14/2020 7:10pm – I called and spoke with client Dana Amsler. It was reported to me by my staff (S [REDACTED] on P [REDACTED]) that the client was disrespectful during their phone call and the client had hung-up on the staff member. My call to the client was to discuss labwork/biopsy results, and to help the client understand how our practice works regarding doctor messages. I reiterated to our client how our practice manager had informed the client she would receive a call from a doctor that day, and that she was not going to be able to receive results faster by repeatedly calling. During the call I worked to maintain a professional conversation with the owner. I discussed the biopsy results and recommendations, and I emailed the results along with oncology referral to client email on record. **See log in medical record** and included audio file of phone call "Log2-Call Log with Dr. Tornell.wav"

Sincerely,

Dr. Andrew Tornell

Andrew Tornell